

REMARKS

As a preliminary matter, in the Final Office Action mailed May 5, 2005, the Examiner did not indicate that PCT application 0 022 534 that was listed under Foreign Patent Documents on the PTO-1449 form mailed October 30, 2001 was considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that this reference was not in conformance with MPEP 609. As such, applicant respectfully request that the Examiner indicate that this reference has been considered and made of record.

Office Action Rejections Summary

Claims 1-29 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,748,884 of Royce et al. ("Royce").

Status of Claims

Claims 1-2, 4, 7-10, 12, 15-18, 20, 23-26 and 28-40 are pending in the application. Claims 2, 4, 7, 8, 15, 16, 23, 24 and 26 have been amended to more properly define preexisting claim limitations. The amended claims are supported by the specification. Claims 30-40 have been added. The added claims are supported by the specification. Support for the added claims may be found, for example, in paragraphs 0063-0068. No new matter has been added. Claims 3, 5, 6, 11, 13, 14, 19, 21-22 and 27 have been canceled.

Claim Rejections

Claims 1-29 have been rejected under 35 U.S.C. §102(b) as being anticipated by Royce. It is submitted that claim 1 is patentable over the cited reference.

The Office Action states:

As per claims 1, 9, 17, and 25, Royce teaches a method comprising:

enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and (column 3, lines 38-52; column 8, lines 18-39)

enabling an advanced notification rule to preempt the standard notification upon the occurrence (column 11, line 30 to column 12, line 25, wherein an advanced notification takes precedence after escalation.)

(Office Action, 5/5/05, p. 3)

In Response to Applicant's Arguments, the Office Action states:

In the remarks, applicant argued in substance that:

(A) Prior art of Royce does not teach an advanced notification rule, and furthermore does not teach preempting a standard notification rule.

As to point (A), Royce teaches an escalation check process that checks global variable GLV1 to see if an advanced notification rule is due based on the escalation time versus the current timestamp (Royce, column 11, lines 63-67). When this advanced notification is due, an escalation list is checked for the appropriate action (Royce, column 12, lines 6-7). **This advanced notification effectively preempts the standard notification rule with the advanced notification rule retrieved from the "escalation list."**

(Office Action, 5/5/05, p. 2)(emphasis added)

It appears that the Office Action is improperly characterizing an escalation rule (discussed at column 11, lines 63-67 of Royce) with a notification rule and, more particularly, an advanced notification rule not even discussed in Royce. It is respectfully submitted that the Office Action is either mischaracterizing or confusing "escalation" with "notification." Notification rules determine which events will trigger a notification process. Royce, for example, provides that such an event may be positive such as the successful completion of a job. Accordingly, a notification rule may be, for example, to issue a page to an individual upon the event of the successful completion of a job. (Royce, col. 8, lines 29-31). If such an event occurs, it triggers the autonotification process described in column 11, line 30 to col. 12, line 25 of Royce with respect to Figure 7.

In contrast, an escalation rule determines what is to occur if a notification, which is issued according to a notification rule, is not acknowledge. In particular, Royce

discloses that a notification is to be escalated if a predetermined escalation time is determined to have elapsed. If an escalation time is due, it will trigger the paging process. (Royce, col. 11, lines 65-67). Step 714 of Royce initiates the paging process. The column 12, lines 6-7 passage of Royce cited to above by the Office Action discusses how the notification is issued according to an escalation list, for example, by sending a page to a next page number on the escalation list if a previously sent page is not responded to because, for example, a person to whom the page was sent is unavailable.

However, such escalation does **not preempt** the standard notification rule (e.g., the successful completion of a job) that originally triggered the notification process and, subsequently, initiated the page to the first page number that went un-responded. In other words, the first page and also the second page are sent out based on the same standard notification rule (e.g., the event occurrence of the successful completion of job).

Moreover, for sake of argument, even taking the Office Action's mischaracterization of the escalation to the second page number as a notification rule, such an escalation does not preempt the standard notification. That is, the pages still are still being sent based on the same rule of the successful completion of the job.

Therefore, there is no preemption of a standard notification rule, "effectively" or otherwise, occurring here in Royce as purported by the Office Action.

In contrast to Royce, claim 1 includes the limitation of "enabling an advanced notification rule to preempt the standard notification rule upon the occurrence."

Therefore, claim 1 is patentable over Royce. Given that claims 2, 4, 7-8 depend from claim 1, it is submitted that claims 2, 4, 7-8 are also patentable over the cited reference.

For reasons similar to those given above in regards to claim 1, it is submitted that claims 9-10, 12, 15-18, 20, 23-26 and 28-29 are also patentable over the cited reference.

In conclusion, applicant respectfully submits that in view of the arguments set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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